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THE SYSTEM OF INTERNATIONAL LEGAL INSTRUMENTS FOR ENSURING THE HUMAN RIGHT TO A HEALTHY ENVIRONMENT

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Abstract. *This article presents a comprehensive analysis of the system of universal international legal instruments designed to ensure the human right to a healthy environment. The study examines both foundational United Nations human rights documents that have received environmental interpretation through the practice of treaty bodies, and specialized multilateral environmental conventions. Particular attention is devoted to climate agreements, conventions on biodiversity, transboundary environmental impact, and hazardous substances. The article traces the evolution of approaches from the indirect protection of environmental rights through classical human rights norms towards the explicit recognition of the nexus between human rights and the environment in the 2015 Paris Agreement. The research encompasses the role of regional human rights courts in developing environmental jurisprudence, as well as mechanisms for implementing international obligations at the domestic level. A systematic approach to the application of diverse international instruments is emphasized as essential for achieving comprehensive protection of environmental rights. The study concludes that, despite the absence of a single universal treaty explicitly enshrining the right to a healthy environment, a multi-layered system of international agreements has emerged that ensures the holistic protection of this right through the integration of international environmental and human rights law norms. The findings contribute to the theoretical foundations of international environmental law and human rights scholarship.*

Keywords: *Framework Convention on Climate Change, Paris Agreement, Convention on Biological Diversity, Basel Convention, Stockholm Convention, Minamata Convention, Vienna Convention on the Ozone Layer, Montreal Protocol, environmental interpretation of rights, human right to a healthy environment*

Introduction

The system of universal international legal instruments for ensuring the human right to a healthy environment has developed gradually over several decades. It encompasses both specialized multilateral environmental agreements and general human rights instruments that have been accorded an environmental interpretation through the progressive jurisprudence of treaty bodies and international courts. The need for a systematic analysis of this normative framework is underscored by the increasing urgency of the global ecological crisis and its direct implications for the realization of fundamental human rights.

The present article aims to examine the structure and normative content of the international legal framework for the protection of the human right to a healthy environment. The central problem is the absence of a single, universally binding treaty explicitly enshrining this right, which necessitates reliance upon a dispersed array of instruments. The article seeks to assess the extent to which the existing system provides coherent and effective protection, and to identify the principal mechanisms through which this protection is achieved.

Scholarly discourse on the relationship between human rights and environmental protection has developed considerably since the 1970s. Churchill (1996) offered an early systematic account of environmental rights within existing human rights treaties, noting that treaty bodies had begun to recognize certain rights as susceptible to impairment by environmental degradation (Churchill, 1996). This observation was confirmed at the international judicial level when Vice-President Weeramantry, in his dissenting opinion in the *Gabčíkovo-Nagymaros Project* case, stated that environmental protection is an indispensable prerequisite for the enjoyment of numerous human rights, including the right to life and the right to health (ICJ, 1997).

Subsequent scholarship has elaborated upon these foundations. Horn (2023) demonstrated that the Human Rights Committee increasingly employs evolutionary interpretation of the International Covenant on Civil and Political Rights (ICCPR) to address contemporary environmental challenges. Boyd (2019) analyzed the significance of the explicit reference to human rights obligations in the preamble to the Paris Agreement, characterizing it as a landmark development that integrates a rights-based approach into climate governance. Boyle (2023) advocated for a systemic approach to the interpretation and application of multiple international instruments, arguing that only such an approach can ensure the comprehensive protection of environmental human rights.

Methods

This article employs a doctrinal legal research methodology, drawing upon primary sources of international law, including treaties, conventions, protocols, and declarations, as well as secondary sources comprising academic monographs, journal articles, and the general comments and decisions of United Nations treaty bodies. The study is grounded in comparative legal analysis of universal and regional instruments, tracing the normative evolution of environmental human rights protection across different categories of international legal instruments.

The principal methods employed include: systematic legal analysis, through which the interaction of different categories of international instruments is examined; historical-legal method, applied to trace the evolution of environmental human rights norms from the 1948 Universal Declaration to the present day; comparative method, used to assess the approaches of different treaty regimes to environmental protection; and teleological interpretation, applied to determine the object and purpose of

treaty provisions in light of their environmental implications. The study is confined to universal-level instruments, with references to regional jurisprudence where relevant to illustrate broader trends.

Results

Although the Universal Declaration of Human Rights (1948) does not expressly enumerate environmental rights, its provisions have been accorded an environmental interpretation by subsequent treaty bodies. The Human Rights Committee, in *Portillo Cáceres v. Paraguay*, established that environmental degradation may adversely affect the effective enjoyment of the right to life under Article 6 of the ICCPR (Human Rights Committee, 2019).

The International Covenant on Civil and Political Rights (1966) similarly lacks specific environmental provisions; however, its norms have been actively employed in the protection of environmental rights through expansive interpretation. Horn (2023) observes that the practice of the Human Rights Committee demonstrates an evolutionary approach to the Covenant in light of contemporary environmental challenges.

The International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) maintains a more direct connection to environmental concerns. Article 12, which enshrines the right to health, includes among the steps to be taken by States parties the improvement of all aspects of environmental hygiene. The Committee on Economic, Social and Cultural Rights, in General Comment No. 14, clarified that this right encompasses access to safe drinking water and adequate sanitation facilities (CESCR, 2000).

The United Nations Framework Convention on Climate Change (UNFCCC, 1992) constitutes the primary international instrument in the field of climate governance. Although the Convention does not contain direct references to human rights, its implementation is closely linked to the realization of environmental rights. Fayziev (2022) underscores that climate change represents one of the principal threats to the realization of the right to a healthy environment in the twenty-first century.

The Paris Agreement (2015) advances the UNFCCC regime and, for the first time in a universal climate treaty, acknowledges in its preamble that States, when taking action to address climate change, should respect, promote and consider their respective obligations on human rights. Boyd (2019) argues that the inclusion of this reference opens new avenues for integrating a rights-based approach into climate policy.

The Kyoto Protocol (1997) required developed States to reduce their greenhouse gas emissions by 2012, introducing a distinction between developed and developing countries and imposing binding quantitative obligations upon the former. By contrast, the Paris Agreement leaves it to each State to determine its nationally determined contributions, without prescribing specific emission targets, while preserving the principle of common but differentiated responsibilities.

The Convention on Biological Diversity (CBD, 1992) establishes a comprehensive regime for the conservation and sustainable use of biological diversity. Article 8(j) recognizes the importance of the traditional knowledge of indigenous peoples, which is intrinsically linked to their rights to a traditional way of life and to a healthy environment. States parties are also obliged, under Article 3, to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States (CBD, 1992). Anderson (2021) emphasizes that biodiversity conservation is inseparably connected to the rights of indigenous peoples and local communities.

The Ramsar Convention on Wetlands of International Importance (1971) was among the first global environmental conventions. While it does not contain explicit human rights

provisions, its implementation contributes to the realization of the right to water and to a healthy environment.

The Vienna Convention for the Protection of the Ozone Layer (1985) and the Montreal Protocol on Substances that Deplete the Ozone Layer (1987) are directed towards the protection of human health and the environment from the adverse effects of human activities that modify or may modify the ozone layer, principally through scientific research and observation (Article 2, Vienna Convention). The Montreal Protocol further obliges States parties to control the calculated levels of production and consumption of specified ozone-depleting substances (Article 2, Montreal Protocol), employing precise technical categories that are subject to periodic review.

The Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention, 1991) requires that a party intending to undertake an activity likely to cause a significant adverse transboundary impact must assess the environmental effects of that activity, defined to include impacts on human health and safety, flora, fauna, soil, air, water, climate, landscape, historical monuments, and the interaction among these factors, as well as effects on cultural heritage and socio-economic conditions resulting from changes in those factors (Article 1, Espoo Convention).

The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention, 1998) is of particular significance, as ensuring public access to reliable environmental information constitutes an essential element of the protection of fundamental human rights.

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989) is aimed at protecting human health and the environment from the adverse effects of hazardous wastes. Islamov (2022) notes that the improper management of hazardous wastes constitutes a direct threat to the right to health and to a healthy environment (Islamov, 2022).

The Stockholm Convention on Persistent Organic Pollutants (2001) is directed towards the protection of human health and the environment from persistent organic pollutants. The preamble of the Convention acknowledges that these substances possess toxic properties and represent a threat to human health.

The Minamata Convention on Mercury (2013) was adopted in response to the global threat posed by mercury to human health and the environment. Rustambaev (2021) highlights the significance of this instrument as an illustration of the evolution of international environmental law towards a preventive approach to the protection of human health (Rustambaev, 2021).

Discussion

The effectiveness of universal international legal instruments is substantially contingent upon their coordinated application. Boyle (2023) emphasizes the necessity of a systemic approach to the interpretation and application of multiple international instruments in order to ensure comprehensive protection of environmental human rights (Boyle, 2023). The analysis conducted in this study confirms that the existing framework, while fragmented, exhibits a degree of internal coherence through cross-referencing, the progressive jurisprudence of treaty bodies, and the principle of systemic integration in international law.

Despite significant normative progress, several structural challenges persist. The absence of a universal treaty directly enshrining the right to a healthy environment creates gaps in protection, particularly for communities most vulnerable to environmental harm. The fragmentation of the international legal order with obligations distributed across numerous sectoral regimes complicates enforcement

and accountability. Moreover, the tension between the sovereign right of States to exploit their natural resources and their international environmental obligations remains unresolved, notwithstanding the articulation of the principle of common but differentiated responsibilities.

The study reveals a clear evolutionary trajectory: from the purely indirect protection of environmental interests through classical human rights norms in the ICCPR and ICESCR, through the development of specialized environmental conventions addressing specific threats, to the explicit integration of human rights considerations into the Paris Agreement. This progression reflects a growing recognition, in both treaty practice and scholarly literature, that environmental protection and human rights are fundamentally interdependent.

The approach adopted by the Aarhus Convention — linking environmental protection to procedural rights of access to information, participation, and justice — represents a particularly innovative model, offering enforcement mechanisms through individual access rather than State-to-State dispute settlement. This procedural dimension complements the substantive protections afforded by other instruments and may serve as a template for future universal instruments.

Significantly, in 2021, the UN Human Rights Council adopted Resolution 48/13, recognizing for the first time the universal human right to a clean, healthy, and sustainable environment. This resolution — and the subsequent endorsement by the UN General Assembly in 2022 — marks a watershed moment in the progressive development of this right at the universal level, and should be read as a consolidating instrument that draws together the various strands of the normative framework analyzed in this study (UN Human Rights Council, 2021; UN General Assembly, 2022).

Conclusion

The analysis conducted in this article supports the following conclusions and recommendations:

First, notwithstanding the absence of a single universal treaty explicitly enshrining the right to a healthy environment, a multi-layered system of international agreements has emerged that provides comprehensive protection of this right. This system encompasses conventions on climate change, biodiversity, hazardous substances, and transboundary environmental impact, as well as the environmental reinterpretation of classical human rights instruments through the practice of UN treaty bodies.

Second, the environmental interpretation of the ICCPR and ICESCR by treaty bodies, particularly the recognition of the inseparable link between environmental degradation and violations of the right to life, health, and an adequate standard of living, constitutes an important mechanism for filling the normative gaps of the existing framework.

Third, the Paris Agreement's preambular recognition of the obligation to respect human rights in climate action, and the 2021 UN Human Rights Council resolution recognizing the right to a clean, healthy, and sustainable environment, represent significant milestones in the formalization of this right at the universal level.

Fourth, there is an evident need to develop a universal binding instrument explicitly enshrining the human right to a healthy environment, which would consolidate the existing fragmented regime and provide a unified accountability mechanism. In the absence of such an instrument, States, international organizations, and civil society actors should be encouraged to adopt a systemic approach to the coordinated application of existing international instruments.

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